

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated August 21, 2008, has been received and its contents carefully reviewed.

Claims 33 and 44 are hereby amended. No claims have been added or canceled. Accordingly, claims 1-62 are pending for prosecution on the merits. Applicants respectfully request reexamination and reconsideration of the pending claims.

The Office has rejected claims 1-3, 10-18, 25-33, and 40-62 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,755,068 to Ormiston (hereinafter *Ormiston*). Office Action at pp. 2-11.

First regarding independent claims 1, and 16, Applicants respectfully disagree and assert that *Omiston* fails to disclose a flooring system comprising at least, “a plurality of edge patterns... at least one bulk pattern arranged adjacent the plurality of edge patterns and proximate at least one second portion of the perimeter, wherein elements of at least one bulk pattern and elements of an edge pattern adjacent the at least one bulk pattern correspond in location and orientation to form a substantially continuous pattern across the bulk pattern and the edge pattern adjacent the at least one bulk pattern,” as recited in independent claims 1 and 16.

The Office asserts that *Ormiston* discloses “at least one bulk pattern 18k arranged adjacent the plurality of edge patterns 30k.” Office Action at p. 2. Portions 30k, however, are half grooves formed in base or core layer 16 of veneer panel 12. *Ormiston* at col. 7, ll. 24-26. The base layer 16 is “preferably formed of pressed board or fiberboard material of wood fibers which may include resin.” *Id.* at col. 3, ll. 45-49. Therefore the surface of half groove 30k will take on the appearance of the material of the base layer 16. See *Ormiston* FIGs. 2, 3-6, 11, 14, and 15. Portion 18k is an veneer layer comprised of an outer resin impregnated sheet (*Id.* at col. 7, ll. 11-12), which “may be provided with lines to simulate grooves and wood grain on the outer surface,” (*Id.* at col. 6, ll. 52-61).

As seen in FIG. 15, the impregnated sheet of veneer layer 18k does not extend over any portion of half groove 30k. Therefore, while the surface of 18k will have the appearance of whatever pattern is chosen for the impregnated sheet, as described by *Ormiston* above, the half

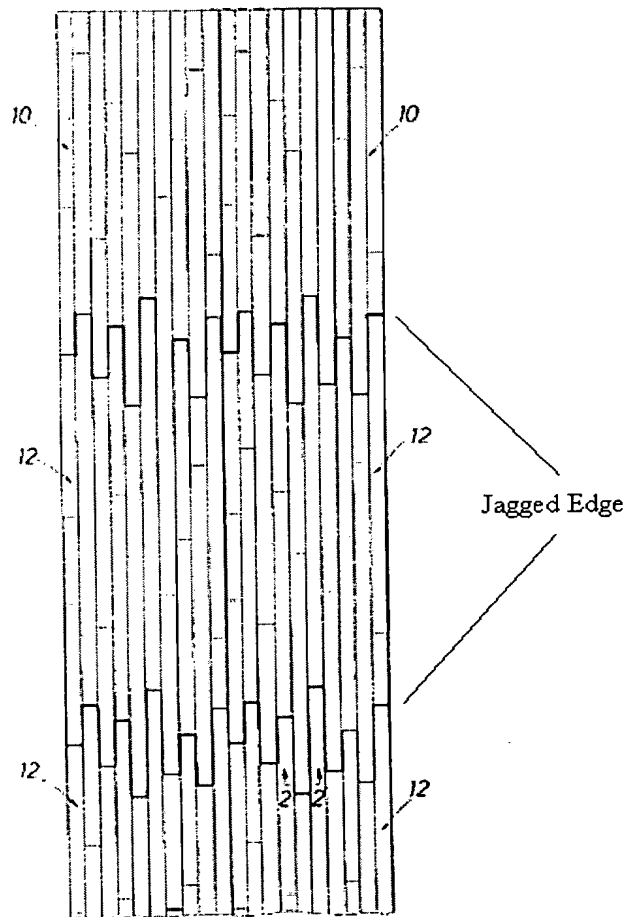
groove will have the appearance of the pressed board material of base layer 16. These two patterns are substantially different. Accordingly, *Ormiston* fails to “a plurality of edge patterns... at least one bulk pattern arranged adjacent the plurality of edge patterns and proximate at least one second portion of the perimeter, wherein elements of at least one bulk pattern and elements of an edge pattern adjacent the at least one bulk pattern correspond in location and orientation to form a substantially continuous pattern across the bulk pattern and the edge pattern adjacent the at least one bulk pattern,” (emphasis added) as recited in independent claims 1 and 16.

Regarding claim 33, Applicants respectfully assert that *Ormiston* fails to disclose a flooring system comprising “an edge pattern [and]... a bulk pattern... wherein at least a portion of the edge patterns are substantially coplanar with the bulk pattern,” as recited in independent claim 33. As can be clearly seen in FIG. 15 of *Ormiston*, the surface of half groove 30k is entirely recessed below veneer layer 18. Therefore they are not coplanar, and Applicants respectfully request withdrawal the rejection of claim 33.

Finally regarding claim 44 Applicants respectfully assert that *Ormiston* fails to disclose a flooring system comprising, “a rectangular shape having first and second short sides and first and second long sides; the rectangular shape having a first row and a second rows of strips, wherein the first and second rows have the same length as each other and are aligned with each other such that a portion of the outer edges of the first and second rows cooperatively define a perimeter of the rectangular shape,” as recited in independent claim 44.

The Office asserts that *Ormiston* discloses a flooring system having a rectangular shape, “the rectangular shape having first and second rows of strips 32A, figures 1-2, wherein the first and second rows have the same length as each other.” Office Action at p. 7. The rows 32A, however, are made of individual planks offset from one another and fail to define a singular flooring plank having a rectangular shape. The planks 32 in fact define an odd shape having a jagged side, at least at one end and in some cases both ends. See FIG. 1 reproduced below for clarity.

FIG. 1



As *Ormiston* fails to disclose the invention as recited in claim 44, Applicants respectfully request withdrawal of the rejection.

Accordingly, Applicants respectfully assert that claims 1, 16, 33, and 44 are allowable over *Ormiston*. Claims 2, 3, 10-15, 17, 18, 25-32, 40-42, and 45-62 are also allowable as being dependent upon allowable independent claims 1, 16, 33, or 44 respectively. Applicants therefore request withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 1-3, 10-18, 25-33, and 40-62.

The Office has rejected claims 4-7, 19-23, and 34-37 under 35 U.S.C. §103(a) as being obvious over *Ormiston* in view of U.S. Patent No. 1,854,933 to Hartman (hereinafter *Hartman*). Office Action at pp. 12-14.

Applicants respectfully assert that *Ormiston* fails to disclose at least the invention as recited in claims 1, 16, and 33, as discussed above. *Hartman* fails to cure the deficiencies of *Ormiston*, as it was set forth by the Office for its purported teaching of an embossed surface texture.

Accordingly, Applicants respectfully assert that claims 1, 16, and 33 are allowable over *Ormiston* in view of *Hartman*. Claims 4-7, 19-23, and 34-37 are also allowable as being dependent upon allowable independent claims 1, 16, and 33, respectively. Applicants therefore request withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 4-7, 19-23, and 34-37.

The Office has rejected claims 8, 9, 24, 38 and 39 under 35 U.S.C. §103(a) as being obvious over *Ormiston* in view of U.S. Patent No. 4,299,069 to Neuman (hereinafter *Neuman*). Office Action at pp. 14.

Applicants respectfully assert that *Ormiston* fails to disclose at least the invention as recited in claims 1, 16, and 33, as discussed above. *Neuman* fails to cure the deficiencies of *Ormiston*, as it was set forth by the Office for its purported teaching of an embossed surface texture out of registration with a decorative motif.

Accordingly, Applicants respectfully assert that claims 1, 16, and 33 are allowable over *Ormiston* in view of *Neuman*. Claims 8, 9, 24, 38 and 39 are also allowable as being dependent upon allowable independent claims 1, 16, and 33, respectively. Applicants therefore request withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 8, 9, 24, 38 and 39.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the

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filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

Dated: February 23, 2009

By

A handwritten signature in black ink, appearing to read "Rebecca G. Rudich", is written over a horizontal line. To the right of the signature, the date "140, 106" is handwritten.

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